

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRUSTEES OF THE GLAZIERS,	)	
ARCHITECTURAL METAL	)	
AND GLASS WORKERS LOCAL	)	
UNION NO. 27 WELFARE AND	)	
PENSION FUNDS,	)	No. 08 cv 2234
	)	
Plaintiffs,	)	Judge Gettleman
v.	)	
	)	
MIDWEST BUILDING SERVICES, INC.,	)	
d/b/a MIDWEST CONTRACT GLAZING,	)	
INC., an Illinois corporation and MIDWEST	)	
CONTRACT GLAZING, INC.,	)	
	)	
Defendant.	)	

**MOTION FOR ORDER OF DEFAULT AND JUDGMENT IN SUM CERTAIN**

Plaintiffs, by one of their attorneys, DONALD D. SCHWARTZ and ARNOLD AND KADJAN, pursuant to F.R.C.P. 55, respectfully request this Honorable Court to enter an Order of Default as to liability and Judgment in favor of Plaintiffs and against Defendant, MIDWEST BUILDING SERVICES, INC., d/b/a MIDWEST CONTRACT GLAZING, INC., an Illinois corporation and MIDWEST CONTRACTING GLAZING, INC.

In support thereof, Plaintiffs state:

1. This case was filed on April 18, 2008.
2. Defendant, MIDWEST CONTRACTING GLAZING, INC. was served with Summons and Complaint on April 30, 2008.
3. In excess of 20 days have expired since Service of Process, however, Defendant has failed to file an answer or otherwise plead.
4. Per the affidavit of Richard Wolf, Defendant owes \$59,592.09 in unpaid benefits,

\$8,938.82 liquidated damages, \$8,996.90 prior liquidated damages and \$765.00 audit costs for a total due of \$78,292.81. (Exhibit A)

5. Per the affidavit of Shane Luedke, attorney for Plaintiffs in legal fees and expenses \$1,819.00 has been incurred in this suit. (Exhibit B)

**WHEREFORE**, Plaintiffs pray for:

1. An Order of Default against the Defendant.
2. Judgment be rendered in the amount of \$80,111.81.

Respectfully submitted,

TRUSTEES OF THE GLAZIERS,  
ARCHITECTURAL METAL AND GLASS  
WORKERS LOCAL UNION NO. 27  
WELFARE AND PENSION FUNDS

By: s/ Donald D. Schwartz  
One of their Attorneys

Donald D. Schwartz  
**ARNOLD AND KADJAN**  
19 West Jackson Blvd.  
Chicago, Illinois 60604  
(312) 236-0415

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES OF THE GLAZIERS,	)	
ARCHITECTURAL METAL	)	
AND GLASS WORKERS LOCAL	)	
UNION NO. 27 WELFARE AND	)	
PENSION FUNDS,	)	No. 08 cv 2234
	)	
Plaintiffs,	)	Judge Gettleman
	)	
v.	)	
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MIDWEST BUILDING SERVICES, INC.,	)	
d/b/a MIDWEST CONTRACT GLAZING,	)	
INC., an Illinois corporation and MIDWEST	)	
CONTRACT GLAZING, INC.,	)	
	)	
Defendant.	)	

**AFFIDAVIT**

I, Richard J. Wolf, upon being first duly sworn, on oath deposes and states:

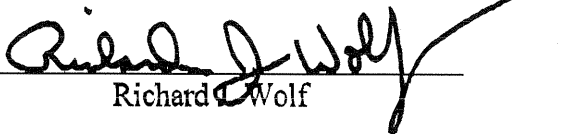
1. Affiant is President of the auditing firm of Richard J. Wolf & Company, Inc.
2. Our firm completed a compliance audit for the TRUSTEES OF THE GLAZIERS, ARCHITECTURAL METAL AND GLASS WORKERS LOCAL UNION NO. 27 WELFARE AND PENSION FUNDS (the "Funds") on MIDWEST BUILDING SERVICES d/b/a MIDWEST CONTRACTING GLAZING, INC., an Illinois corporation, and MIDWEST CONTRACT GLAZING, INC. ("MIDWEST") for the period February 1, 2007 through December 31, 2007.
3. The audit report found arrears owing to the Funds in the amount of **\$59,592.09 in unpaid benefits, \$8,938.82, liquidated damages (15%), \$8,996.90 prior liquidated damages (late charges) and \$765.00 audit costs for a total due of \$78,292.81.**

**EXHIBIT A**

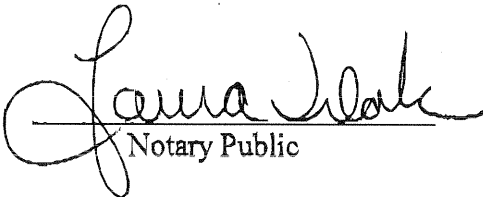
4. The total due the Plaintiffs including arrears, audit costs, and liquidated damages of 15 percent, but excluding attorney's fees and court costs is **\$78,292.81 for the Trustees of the Glaziers, Architectural Metal and Glass Workers Local Union No. 27 Welfare and Pension Funds.**

5. Affiant is not currently suffering any infirmities and is competent to testify to all the foregoing.

FURTHER AFFIANT SAYETH NOT.

  
Richard J. Wolf

**SUBSCRIBED AND SWORN to**  
before me this 20<sup>th</sup> day  
of August 2008.

  
Notary Public



**RICHARD J. WOLF AND COMPANY, INC.**

Post Office Box 591  
 Palos Park, Illinois 60464  
 (708) 923-0909  
 Fax (708) 923-0910

March 18, 2008



Board of Trustees of the Various  
 Fringe Benefit Funds of the  
 Glazier Local #27

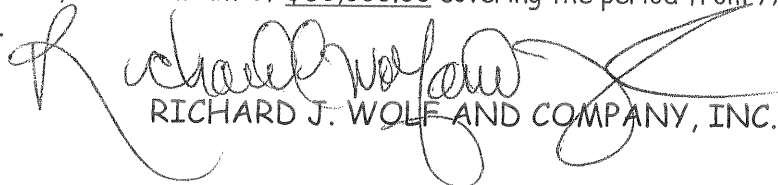
RE: Midwest Contract Glazing Inc.  
 f/k/a Midwest Building Services

We have performed a fringe benefit contribution compliance audit of Midwest Contract Glazing Inc. f/k/a Midwest Building Services, for the period from February 1, 2007 through December 31, 2007. The audit encompassed the comparison of individual earnings records to certain payroll tax and fund reports and a review of the general disbursements records.

The comparison and review indicate that the employer has not complied with its fringe benefit contribution requirements and owes the following amounts:

<u>FUND</u>	<u>AMOUNT</u>
PENSION	\$23,640.18
WELFARE	29,605.76
APPR	2,789.47
S.T.A.R.	212.85
SAFETY	153.86
L.P.C.	212.85
DUES	2,977.12
Sub Total	\$59,592.09
15% Liq. Damages	\$ 8,938.82
Sub Total	\$68,530.91
Liq. Damages	\$ 8,996.90
Sub Total	\$77,527.81
Audit Cost	\$ 765.00
TOTAL	<u>\$78,292.81</u>

We have also examined the employer's current wage and fringe benefit bond by Hanover Insurance Co., in the amount of \$50,000.00 covering the period from 7/30/07 through 7/30/08.

  
 RICHARD J. WOLF AND COMPANY, INC.

## GLAZIERS, ARCHITECTURAL METAL AND GLASS WORKERS LOCAL UNION #27

MIDWEST CONTRACT GLAZING, INC. #358

YEAR: 2007

ADDITIONAL HOURS and/or EARNINGS 1/07 - 12/07

S. S. #	Flags	Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
BROWN, LEE JR. 346-70-9553	#	Hours	-	-	-	-	-	-	-	-	-	-	-	-	-
		Gross \$	-	-	-	-	-	-	-	17.50	35.00	-	-	-	\$ 52.50
HOVING, ALAN 350-58-4713	#	Hours	-	-	-	-	264.00	-	-	-	-	-	-	-	\$ 264.00
		Gross \$	-	-	-	-	264.00	-	-	-	-	-	-	-	\$ 264.00
KERR, KEVIN 328-80-5536	#	Hours	-	-	-	-	-	-	-	24.00	-	-	-	-	\$ 24.00
		Gross \$	-	-	-	-	-	-	-	728.00	-	-	-	-	\$ 728.00
KOBIEC, WILLIAM 331-72-9644	#	Hours	-	-	-	-	-	-	-	-	-	-	-	-	-
		Gross \$	-	-	-	-	84.15	-	-	-	-	-	-	-	\$ 84.15
NEIL, JASON 336-80-4056	#	Hours	-	-	-	-	-	-	101.50	151.50	-	-	-	-	\$ 253.00
		Gross \$	-	-	-	-	-	-	3,561.25	5,355.00	-	-	-	-	\$ 8,916.25
RISKO, BRIAN 358-62-3291	#	Hours	-	-	16.00	8.00	-	-	-	-	-	-	-	-	\$ 24.00
		Gross \$	-	-	528.00	264.00	-	-	-	-	-	-	-	-	\$ 792.00
WELCH, MICHAEL 353-70-0128	#	Hours	-	-	-	-	26.00	-	-	-	-	-	-	-	\$ 26.00
		Gross \$	-	-	-	-	1,287.00	-	-	-	-	-	-	-	\$ 1,287.00

TOTAL HOURS

TOTAL GROSS \$

-	-	16.00	8.00	26.00	-	101.50	175.50	-	-	-	-	-	-	-	327.00
-	-	\$ 528.00	\$ 264.00	\$ 1,635.15	-	\$ 3,561.25	\$ 6,100.50	\$ 35.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,123.90

Amount Due To Funds:

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
PENSION	-	-	\$ 86.40	\$ 43.20	\$ 140.40	-	\$ 573.48	\$ 991.58	-	-	-	-	\$ 1,835.06
WELFARE	-	-	\$ 107.84	\$ 53.92	\$ 175.24	-	\$ 719.64	\$ 1,244.30	-	-	-	-	\$ 2,300.94
APPR	-	-	\$ 9.60	\$ 4.80	\$ 15.60	-	\$ 70.04	\$ 121.10	-	-	-	-	\$ 221.14
S.T.A.R.	-	-	\$ 0.80	\$ 0.40	\$ 1.30	-	\$ 5.08	\$ 8.78	-	-	-	-	\$ 16.36
SAFETY	-	-	\$ 0.48	\$ 0.24	\$ 0.78	-	\$ 4.06	\$ 7.02	-	-	-	-	\$ 12.38
L.P.C.	-	-	\$ 0.80	\$ 0.40	\$ 1.30	-	\$ 5.08	\$ 8.78	-	-	-	-	\$ 16.36
DUES	-	-	\$ 10.56	\$ 5.28	\$ 32.70	-	\$ 71.23	\$ 122.01	\$ 0.70	-	-	-	\$ 242.48
TOTAL	-	-	\$ 216.48	\$ 108.24	\$ 367.32	-	\$ 1,448.61	\$ 2,503.57	\$ 0.70	-	-	-	\$ 4,644.92

Rates:	6/1/06	to	5/31/07
PENSION	5.40	SAFETY	0.03
WELFARE	6.74	L.P.C.	0.05
APPR	0.60	DUES	2.00%
S.T.A.R.	0.05		

Rates:	6/1/07	to	5/31/08
PENSION	5.65	SAFETY	0.04
WELFARE	7.09	L.P.C.	0.05
APPR	0.69	DUES	2.00%
S.T.A.R.	0.05		

## GLAZIERS, ARCHITECTURAL METAL AND GLASS WORKERS LOCAL UNION #27

MIDWEST CONTRACT GLAZING, INC. #358

YEAR: 2007

## UNREPORTED HOURS &amp; EARNINGS 1/07 - 12/07

S. S. #	Flags	Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
BARKHO, ELIAS	#	Hours	-	167.50	172.75	162.50	207.00	169.75	161.50	107.50	186.00	182.00	171.00	153.75	1,841.25
334-02-6244		Gross \$	-	-	-	-	-	-	-	-	-	-	-	-	-
		Gross \$	-	5,676.00	5,911.13	5,403.75	6,946.50	6,111.88	5,678.75	3,850.00	6,510.00	6,387.50	6,177.50	5,451.25	\$ 64,104.26
BARKHO, RAYMOND	#	Hours	-	167.50	173.75	162.50	207.00	167.75	163.50	212.50	155.25	184.00	171.00	153.45	1,918.20
335-02-4314		Gross \$	-	5,676.00	5,960.63	5,403.75	6,946.50	6,006.88	5,783.75	7,682.50	5,473.13	6,457.50	6,177.50	5,440.75	\$ 67,008.89
CULBERTSON, SCOTT	#	Hours	-	-	35.50	134.75	-	-	-	-	-	-	-	-	170.25
336-76-2622		Gross \$	-	-	1,171.50	4,446.75	-	-	-	-	-	-	-	-	\$ 5,618.25

TOTAL HOURS

-	335.00	382.00	459.75	414.00	337.50	325.00	320.00	341.25	366.00	342.00	307.20	3,929.70
\$ -	\$ 11,352.00	\$ 13,043.26	\$ 15,254.25	\$ 13,893.00	\$ 12,118.76	\$ 11,462.50	\$ 11,532.50	\$ 11,983.13	\$ 12,845.00	\$ 12,355.00	\$ 10,892.00	\$ 136,731.40

Amount Due To Funds:

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
PENSION	-	\$ 1,809.00	\$ 2,062.80	\$ 2,482.65	\$ 2,235.60	\$ 1,906.88	\$ 1,836.25	\$ 1,808.00	\$ 1,928.06	\$ 2,067.90	\$ 1,932.30	\$ 1,735.68	\$ 21,805.12
WELFARE	-	\$ 2,257.90	\$ 2,574.68	\$ 3,098.72	\$ 2,790.36	\$ 2,392.88	\$ 2,304.25	\$ 2,268.80	\$ 2,419.46	\$ 2,594.84	\$ 2,424.78	\$ 2,178.05	\$ 27,504.82
APPR	-	\$ 201.00	\$ 229.20	\$ 275.85	\$ 248.40	\$ 232.88	\$ 224.25	\$ 220.80	\$ 235.46	\$ 252.54	\$ 235.98	\$ 211.97	\$ 2,568.33
S.T.A.R.	-	\$ 16.75	\$ 19.10	\$ 22.99	\$ 20.70	\$ 16.88	\$ 16.25	\$ 16.00	\$ 17.06	\$ 18.30	\$ 17.10	\$ 15.36	\$ 196.49
SAFETY	-	\$ 10.05	\$ 11.46	\$ 13.79	\$ 12.42	\$ 13.50	\$ 13.00	\$ 12.80	\$ 13.65	\$ 14.64	\$ 13.68	\$ 12.29	\$ 141.28
L.P.C.	-	\$ 16.75	\$ 19.10	\$ 22.99	\$ 20.70	\$ 16.88	\$ 16.25	\$ 16.00	\$ 17.06	\$ 18.30	\$ 17.10	\$ 15.36	\$ 196.49
DUES	-	\$ 227.04	\$ 260.87	\$ 305.09	\$ 277.86	\$ 242.38	\$ 229.25	\$ 230.65	\$ 239.66	\$ 256.90	\$ 247.10	\$ 217.84	\$ 2,734.64
TOTAL	-	\$ 4,538.49	\$ 5,177.21	\$ 6,222.08	\$ 5,606.04	\$ 4,822.28	\$ 4,639.50	\$ 4,573.05	\$ 4,870.41	\$ 5,223.52	\$ 4,888.04	\$ 4,386.55	\$ 54,947.17

Rates:	6/1/06	to	5/31/07
PENSION	5.40	SAFETY	0.03
WELFARE	6.74	L.P.C.	0.05
APPR	0.60	DUES	2.00%
S.T.A.R.	0.05		

Rates:	6/1/07	to	5/31/08
PENSION	5.65	SAFETY	0.04
WELFARE	7.09	L.P.C.	0.05
APPR	0.69	DUES	2.00%
S.T.A.R.	0.05		

## GLAZIERS, ARCHITECTURAL METAL AND GLASS WORKERS LOCAL UNION #27

MIDWEST CONTRACT GLAZING, INC. #358

RICHARD J. WOLF AND COMPANY, INC.

## SUMMARY REPORT TOTAL

	<u>ADDITIONAL</u>	<u>UNREPORTED</u>	<u>TOTAL</u>
PENSION	\$ 1,835.06	\$ 21,805.12	\$ 23,640.18
WELFARE	\$ 2,300.94	\$ 27,304.82	\$ 29,605.76
APPR	\$ 221.14	\$ 2,568.33	\$ 2,789.47
S.T.A.R.	\$ 16.36	\$ 196.49	\$ 212.85
SAFETY	\$ 12.58	\$ 141.28	\$ 153.86
L.P.C.	\$ 16.36	\$ 196.49	\$ 212.85
DUES	\$ 242.48	\$ 2,734.64	\$ 2,977.12
TOTAL	<u>\$ 4,644.92</u>	<u>\$ 54,947.17</u>	<u>\$ 59,592.09</u>

3/18/2008

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GLAZIERS, ARCHITECTURAL METAL AND GLASS WORKERS LOCAL UNION #27

MIDWEST CONTRACT GLAZING, INC. #358

RICHARD J. WOLF AND COMPANY, INC.

**\*\* GRAND TOTAL \*\***

PENSION	\$ 23,640.18
WELFARE	\$ 29,605.76
APPR	\$ 2,789.47
S.T.A.R.	\$ 212.85
SAFETY	\$ 153.86
L.P.C.	\$ 212.85
DUES	\$ 2,977.12
TOTAL	<u>\$ 59,592.09</u>

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FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

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ARCHITECTURAL METAL	)	
AND GLASS WORKERS LOCAL	)	
UNION NO. 27 WELFARE AND	)	
PENSION FUNDS,	)	No. 08 cv 2234
	)	
Plaintiffs,	)	Judge Gettleman
	)	
v.	)	
	)	
MIDWEST BUILDING SERVICES, INC.,	)	
d/b/a MIDWEST CONTRACT GLAZING,	)	
INC., an Illinois corporation and MIDWEST	)	
CONTRACT GLAZING, INC.,	)	
	)	
Defendant.	)	

**AFFIDAVIT**

Shane Luedke, upon being first duly sworn, on oath deposes and states:

1. Affiant is the associate in the Law Firm Arnold & Kadjan handling this case.
2. Our firm has spent 5.2 hours in litigation in this matter at our normal rate of \$260.00 per hour.
4. Our firm charged the Glaziers Local #27 Funds \$1,352.00 in fees this matter.
5. Our firm charged \$350.00 for court filing fee and \$117.00 in other costs.
6. The total charged was \$1,819.00
6. Affiant is not currently suffering any infirmities and is competent to testify to all the foregoing

FURTHER AFFIANT SAYETH NOT.

  
**SHANE LUEDKE**

SUBSCRIBED AND SWORN to  
before me this 4th day  
of ~~August~~ September 2008

  
**NOTARY PUBLIC**

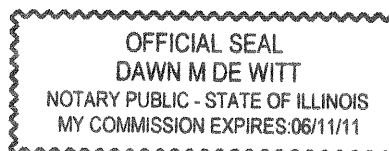


EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT  
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EASTERN DIVISION**

TRUSTEES OF THE GLAZIERS,	)	
ARCHITECTURAL METAL	)	
AND GLASS WORKERS LOCAL	)	
UNION NO. 27 WELFARE AND	)	
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MIDWEST BUILDING SERVICES, INC.,	)	
d/b/a MIDWEST CONTRACT GLAZING,	)	
INC., an Illinois corporation and MIDWEST	)	
CONTRACT GLAZING, INC.,	)	
	)	
Defendant.	)	

**JUDGMENT ORDER**

**THIS CAUSE** coming on to be heard on Plaintiffs' Motion for Order of Default and Judgment in Sum Certain, all parties having been given due notice;

**IT IS HEREBY ORDERED:**

1. Judgment in the amount of \$80,111.81 is entered in favor of Plaintiffs, Trustees of the Glaziers, Architectural Metal and Glass Workers Local Union No. 27 Welfare and Pension Funds, and against the Defendant, MIDWEST BUILDING SERVICES, INC., d/b/a MIDWEST CONTRACT GLAZING, INC., an Illinois corporation and MIDWEST CONTRACTING GLAZING, INC.

2. This is a final and appealable order.

DATED: \_\_\_\_\_

ENTER: \_\_\_\_\_  
**HONORABLE JUDGE GETTLEMAN**